

## *Minutes*

Meeting: Council on Coastal Futures

Place: Wampee Conference Center  
Pinopolis, SC

Date: October 3, 2003

Present: William W. Jones, Jr., Chairman  
Jesse C. Dove, Vice-Chairman  
Dana Beach  
Barbara Catenaci  
James S. Chandler, Jr.  
James Frazier  
Fred Holland  
Rep. Dwight Loftis  
John Miglarese  
John Settle  
Mike Wooten

OCRM Staff: Chris Brooks  
Debra Hernandez

Facilitator: David McNair

Absent: William D. Baughman  
Paul G. Campbell, Jr.  
Hank Johnston  
Sen. John Kuhn  
Barrett Lawrimore  
Tom Leath  
Jack W. Shuler  
Ellison D. Smith, IV

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### **Welcome**

Chairman Jones called the meeting to order at 9:30 a.m. and asked the Secretary to call the roll. There were 11 members present, thus establishing a quorum.

Chairman Jones stated that the news media and concerned citizens were notified, as required by the State Freedom of Information Act, of the following scheduled meeting:

Council on Coastal Futures  
9:30 a.m., October 3, 2003  
Wampee Conference Center  
Pinopolis, South Carolina

Chairman Jones stated that the Council has, therefore, complied with the South Carolina Freedom of Information Act.

## **Public Forum**

The public was invited to address the Council. George T. Newell from Moncks Corner was the first speaker. Mr. Newell spoke about his property that was classified as wetlands by the Corps of Engineers. He stated that his soil had been classified as “Rains” soil and he was seeking information on the definition of Rains soil. He expressed his frustration with a lack of information and his efforts to work with government agencies in trying to get necessary permits for his property.

Mr. Johnny Ward was the next speaker. He expressed his frustration over a situation he encountered with the Corps of Engineers after he cleaned hurricane debris from a creek on his property. He expressed his concerns with the permitting process and the practice of former government employees representing private citizens against their former employers.

Mr. Eddie Southard spoke about what he perceived as a lack of public notice about the public forum.

## **Administrative**

The minutes of the September 5, 2003, meeting were adopted by a unanimous vote.

## **What are Freshwater Wetlands?**

Dr. William H. Conner, Professor of Forestry at Clemson University’s Baruch Institute of Coastal Ecology and Forest Science in Georgetown, South Carolina, was the guest speaker on the subject of freshwater wetlands. Dr. Conner stated that South Carolina has lost about 39% of its original wetlands. He discussed the importance of wetlands as unique and valuable habitat for survival of many plants and animals. (See Attachment A) Following Dr. Conner’s presentation, Mr. Beach asked for a report from the staff on the amount of acres of wetlands that have been permitted for alteration in the past ten years. A general discussion followed. Dr. Conner noted that additional information could be obtained at [www.northinlet.sc.edu](http://www.northinlet.sc.edu).

## **Ranking and Classification of Wetlands: Examples, Pros and Cons**

Mr. Jon Kusler, Esq., Executive Director of the Association of State Wetland Managers in Berne, New York, addressed the Council on the subject of wetland ranking and classification. He stated that South Carolina is in a similar position to other states in that they, too, are grappling with the problem of regulating wetlands in light of the SWANCC decision. He discussed the different factors relevant to classification. He stated that a wetland’s proximity to an adjacent water body is critical in the ranking process. He discussed regulatory classification and the problems associated with it.

Ranking systems can be complicated, difficult to use and most states have not used them. Many different features and characteristics can be used to rank wetlands, for example vegetation types, hydrology, size and location of wetlands. A major difficulty encountered by most States that had developed classification systems was that wetlands can change as a result of drought, drainage changes or natural transition from one wetland type to another. Many states have acted

to protect isolated wetlands that lost protection by the SWANCC decision. These States have made their regulations stronger by implementing regulatory changes or in a few cases adopting State wetlands laws.

He summarized by describing a four tiered regulatory structure that, in his opinion would be effective, as follows: 1) contiguous wetlands would continue to be protected via the federal program administered by the USACOE, 2) non-federally jurisdictional wetlands would be protected by state-level programs that allowed fill of small (size usually politically negotiated) wetlands, with others preserved, 3) uniquely important wetlands would be protected regardless of size, and 4) incentives would be provided to local governments to incorporate wetland protection into other planning efforts such as floodway and greenway plans. (See Attachment B)

### **Freshwater Wetland Management: Issues, Concerns and Solutions**

Rob Mikell, Manager Federal Certification, DHEC-OCRM, made a presentation on how the regulatory permitting process works. He discussed the activities that are exempt from permitting, the issues involved in delineation of wetlands, and non-jurisdictional wetlands. Speaking on behalf of OCRM staff and the OCRM program, Mr. Mikell would like to see a decreased reliance on the federal wetland permitting program, and the development of a clear, concise wetland management program. OCRM is in favor of a wetland classification system, a revised wetland master planning policy and adequate mitigation. (See Attachment C)

Bart Sabine, President of Sabine and Waters, Inc., addressed the Council on the subject of Forestry and South Carolina's Coast. He discussed forestry's impact on the state and the regulations governing the industry, BMP compliance in the industry, streamside management zones, forest road construction and the exemptions afforded to silviculture operations. He discussed the role prescribed fires play in determining the distribution of plants and animals in southern forests. (See Attachment D) He wants to see legislation dealing with wetlands and not a subjective system of wetland ranking.

Andy White, President and CEO of PTH Holdings, LLC and its homebuilding subsidiary, Palmetto Traditional Homes, addressed the Council regarding the need for meaningful legislation to manage wetlands and not a presumed policy. He disagrees with DHEC's current position that they have the authority to protect isolated wetlands. He wants to see the separation of the wetlands issues from that of growth control.

### **Council Discussion of Wetland Management Considerations**

The Council reviewed the wetland considerations brought before it by various stakeholders (See Attachment E). A general discussion followed with the members of the Council and the members of the assembled panel. The discussion led to the general agreement that a ranking system for wetlands was not feasible. The discussion focused on acreage thresholds, wetland mapping, professional consultants, legislation and wetland master planning. Following the lengthy discussion, Mr. Dove made a motion to develop statewide comprehensive legislation that codifies historical freshwater wetland management standard operating procedures including wetland master planning, incentives, and mitigation. Mr. Wooten provided a second

to the motion. After a brief discussion, the motion passed unanimously with the exception of Rep. Loftis who abstained from voting. The Council believed that the motion addressed all of the wetlands considerations brought before it.

### **Envisioning Our Coastal Future**

OCRM's Deputy Director, Chris Brooks, made a presentation to the Council on the long term planning efforts of Utah and North Carolina in order to prepare the Council for a visioning process they will take up at the November meeting. (See Attachment F) This was in response to the SCDHEC Board's comments on the Council's Interim Report, wherein the Board asked the Council to take a broader perspective on how they envision the coast of South Carolina in the future. Mr. Brooks' presentation outlined the goals of "Envision Utah" and the North Carolina Coastal Commission's "A New Vision – Charting a Course for Our Coast." A brief discussion followed. Rep. Loftis stressed the need to include the public in the process.

### **Meeting Wrap-up and Next Steps**

Chairman Jones requested that staff notify the legislative delegation for out of town meetings to notify them that the Council will be coming to their area. Following the announcement of next month's meeting location at the Residence Inn on Hilton Head, the meeting was adjourned at 3:40 pm.

November 7, 2003

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Janet M. Kruger